

104TH CONGRESS
2D SESSION

H. R. 3923

To amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1996

Mr. SHUSTER (for himself, Mr. DUNCAN, Mr. OBERSTAR, Mr. LIPINSKI, Mr. HUTCHINSON, Mr. BAKER of California, Mr. FRANKS of New Jersey, Mr. BLUTE, Mr. EHLERS, Mr. BACHUS, Ms. BROWN of Florida, Mr. LATHAM, Mrs. KELLY, Mr. LATOURETTE, Mr. MASCARA, Mr. LAZIO of New York, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Disaster
5 Family Assistance Act of 1996”.

1 **SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFE-**
2 **TY BOARD TO FAMILIES OF PASSENGERS IN-**
3 **VOLVED IN AIRCRAFT ACCIDENTS.**

4 (a) AUTHORITY TO PROVIDE ASSISTANCE.—

5 (1) IN GENERAL.—Subchapter III of chapter
6 11 of title 49, United States Code, is amended by
7 adding at the end the following:

8 **“§ 1136. Assistance to families of passengers involved**
9 **in aircraft accidents**

10 “(a) IN GENERAL.—As soon as practicable after
11 being notified of an accident within the United States in-
12 volving an aircraft of an air carrier and resulting in a sig-
13 nificant loss of life, the Chairman of the National Trans-
14 portation Safety Board shall—

15 “(1) designate and publicize the name and
16 phone number of a family advocate who shall be an
17 employee of the Board and shall be responsible for
18 acting as a point of contact within the Federal Gov-
19 ernment for the families of passengers involved in
20 the accident and a liaison between the air carrier
21 and the families; and

22 “(2) designate an independent nonprofit organi-
23 zation, with experience in disasters and posttrauma
24 communication with families, which shall have pri-
25 mary responsibility for coordinating the care and

1 support of the families of passengers involved in the
2 accident.

3 “(b) RESPONSIBILITIES OF THE BOARD.—The Board
4 shall have primary responsibility for coordinating the re-
5 covery and identification of passengers involved in an acci-
6 dent described in subsection (a).

7 “(c) RESPONSIBILITIES OF DESIGNATED ORGANIZA-
8 TION.—The organization designated for an accident under
9 subsection (a)(2) shall have the following responsibilities
10 with respect to the families of passengers involved in the
11 accident:

12 “(1) To provide mental health and counseling
13 services, in coordination with the disaster response
14 team of the air carrier involved.

15 “(2) To take such actions as may be necessary
16 to provide an environment in which the families may
17 grieve in private.

18 “(3) To meet with the families who have trav-
19 eled to the location of the accident, to contact the
20 families unable to travel to such location, and to
21 contact all affected families periodically thereafter
22 until such time as the organization determines that
23 further assistance is no longer needed.

24 “(4) To communicate with the families as to
25 the roles of the organization, government agencies,

1 and the air carrier involved with respect to the acci-
2 dent and the post-accident activities.

3 “(5) To arrange a suitable memorial service in
4 consultation with the families.

5 “(d) OBTAINING PASSENGER LISTS.—

6 “(1) IN GENERAL.—It shall be the responsibil-
7 ity of the family advocate designated for an accident
8 under subsection (a)(1), and the organization des-
9 ignated for the accident under subsection (a)(2), to
10 each request, as soon as practicable, from the air
11 carrier involved in the accident a list, which is based
12 on the best available information at the time of the
13 request, of the names of the passengers that were
14 aboard the aircraft involved in the accident.

15 “(2) USE OF INFORMATION.—The family advo-
16 cate and the organization shall each take such ac-
17 tions as may be necessary to keep any list obtained
18 under paragraph (1) confidential but may provide
19 information on the list about a passenger to the
20 family of the passenger to the extent that the family
21 advocate or the organization considers appropriate.

22 “(e) CONTINUING RESPONSIBILITIES OF THE
23 BOARD.—In the course of its investigation of an accident
24 described in subsection (a), the Board shall, to the maxi-

1 mum extent practicable, ensure that the families of pas-
2 sengers involved in the accident—

3 “(1) are briefed, prior to any public briefing,
4 about the accident, its causes, and any other find-
5 ings from the investigation; and

6 “(2) are individually informed of and allowed to
7 attend any public hearings and meetings of the
8 Board about the accident.

9 “(f) USE OF AIR CARRIER RESOURCES.—To the ex-
10 tent practicable, the organization designated for an acci-
11 dent under subsection (a)(2) shall use and coordinate the
12 use of the resources and personnel of the air carrier in-
13 volved in the accident in carrying out the organization’s
14 responsibilities under this section.

15 “(g) PROHIBITED ACTIONS.—No person (including a
16 State or political subdivision) may impede the ability of
17 the Board (including the family advocate designated for
18 an accident under subsection (a)(1)), or an organization
19 designated for an accident under subsection (a)(2), to
20 carry out its responsibilities under this section or the abil-
21 ity of the families of passengers involved in the accident
22 to have contact with one another.

23 “(h) AIRCRAFT ACCIDENT DEFINED.—In this sec-
24 tion, the term ‘aircraft accident’ means any aviation disas-
25 ter regardless of its cause or suspected cause.”.

1 (2) CONFORMING AMENDMENT.—The table of
 2 sections for chapter 11 of such title is amended by
 3 inserting after the item relating to section 1135 the
 4 following:

“1136. Assistance to families of passengers involved in aircraft accidents.”.

5 (b) PENALTIES.—Section 1155 of such title is
 6 amended—

7 (1) by striking “or 1134(b) or (f)(1)” and in-
 8 serting “, section 1134(b), section 1134(f)(1), or
 9 section 1136(g)”; and

10 (2) by striking “either of” and inserting “any
 11 of”.

12 **SEC. 3. AIR CARRIER PLANS TO ADDRESS NEEDS OF FAMI-**
 13 **LIES OF PASSENGERS INVOLVED IN AIR-**
 14 **CRAFT ACCIDENTS.**

15 (a) IN GENERAL.—Chapter 411 of title 49, United
 16 States Code, is amended by adding at the end the follow-
 17 ing:

18 **“§41113. Plans to address needs of families of pas-**
 19 **sengers involved in aircraft accidents**

20 “(a) SUBMISSION OF PLANS.—Not later than 6
 21 months after the date of the enactment of this section,
 22 each air carrier holding a certificate of public convenience
 23 and necessity under section 41102 of this title shall sub-
 24 mit to the Secretary a plan for addressing the needs of
 25 the families of passengers involved in any accident involv-

1 ing an aircraft of the air carrier and resulting in a signifi-
2 cant loss of life.

3 “(b) CONTENTS OF PLANS.—A plan to be submitted
4 by an air carrier under subsection (a) shall include, at a
5 minimum, the following:

6 “(1) A plan for publicizing a reliable, toll-free
7 telephone number, and for providing staff, to handle
8 calls from the families of the passengers.

9 “(2) A process for notifying the families of the
10 passengers, before providing any public notice of the
11 names of the passengers, either by utilizing the serv-
12 ices of the organization designated for the accident
13 under section 1136(a)(2) of this title or the services
14 of other suitably trained individuals.

15 “(3) An assurance that the notice described in
16 paragraph (2) will be provided to the family of a
17 passenger as soon as the air carrier has verified that
18 the passenger was aboard the aircraft (whether or
19 not the names of all of the passengers have been
20 verified) and, to the extent practicable, in person.

21 “(4) An assurance that the air carrier will pro-
22 vide to the family advocate designated for the acci-
23 dent under section 1136(a)(1) of this title, and to
24 the organization designated for the accident under
25 section 1136(a)(2) of this title, immediately upon re-

1 quest, a list, which is based on the best available
2 information at the time of the request, of the names
3 of the passengers aboard the aircraft (whether or
4 not such names have been verified), and will periodically
5 update the list.

6 “(5) An assurance that the family of each passenger
7 will be consulted about the disposition of all
8 remains and personal effects of the passenger.

9 “(6) An assurance that if requested by the family
10 of a passenger, any possession of the passenger
11 (regardless of its condition) will be returned to the
12 family unless the possession is needed for the accident
13 investigation or any criminal investigation.

14 “(7) An assurance that any unclaimed possession
15 of a passenger will be retained by the air carrier
16 for at least 2 years.

17 “(8) An assurance that the family of each passenger
18 will be consulted about construction by the
19 air carrier of any monument to the passengers, including
20 any inscription on the monument.

21 “(9) An assurance that the treatment of the
22 families of nonrevenue passengers (and any other
23 victim of the accident) will be the same as the treatment
24 of the families of revenue passengers.

1 “(10) An assurance that the air carrier will
2 work with any organization designated under section
3 1136(a)(2) of this title on an ongoing basis to en-
4 sure that families of passengers receive an appro-
5 priate level of services and assistance following each
6 accident.

7 “(11) An assurance that the air carrier will
8 provide reasonable compensation to any organization
9 designated under section 1136(a)(2) of this title for
10 services provided by the organization.

11 “(c) CERTIFICATE REQUIREMENT.—After the date
12 that is 6 months after the date of the enactment of this
13 section, the Secretary may not approve an application for
14 a certificate of public convenience and necessity under sec-
15 tion 41102 of this title unless the applicant has included
16 as part of such application a plan that meets the require-
17 ments of subsection (b).

18 “(d) AIRCRAFT ACCIDENT DEFINED.—In this sec-
19 tion, the term ‘aircraft accident’ has the meaning such
20 term has in section 1136 of this title.”.

21 (b) CONFORMING AMENDMENT.—The table of sec-
22 tions for such chapter is amended by adding at the end
23 the following:

 “41113. Plans to address needs of families of passengers involved in aircraft ac-
 cidents.”.

1 **SEC. 4. ESTABLISHMENT OF TASK FORCE.**

2 The Secretary of Transportation, in cooperation with
3 the National Transportation Safety Board, the Federal
4 Emergency Management Agency, the American Red
5 Cross, air carriers, and families which have been involved
6 in aircraft accidents shall establish a task force consisting
7 of representatives of such entities and families to de-
8 velop—

9 (1) a model plan to assist air carriers in re-
10 sponding to aircraft accidents; and

11 (2) recommendations to Congress on methods
12 to ensure that attorneys and representatives of
13 media organizations do not intrude on the privacy of
14 families of passengers involved in an aircraft acci-
15 dent.

16 **SEC. 5. SENSE OF CONGRESS.**

17 It is the sense of Congress that each State bar asso-
18 ciation should adopt a rule providing that in the case of
19 a transportation accident no unsolicited communication
20 concerning a potential action for personal injury or wrong-
21 ful death should be made to an individual injured in the
22 accident, or a relative of an individual killed in the acci-
23 dent, before the 30th day following the date of the acci-
24 dent.

1 **SEC. 6. LIMITATION ON STATUTORY CONSTRUCTION.**

2 Nothing in this Act or any amendment made by this
3 Act may be construed as limiting the actions that an air
4 carrier may take in providing assistance to the families
5 of passengers involved in an aircraft accident.

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